IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1260 OF 2006

Mr.Sunil Sumat Prasad Jain. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri Ganesh Gole for Applicant.
Ms.S.D. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 13, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant is seeking anticipatory bail in connection with an offence punishable under Sections 465, 466, 467, 468, 420 read with Section 34 of the IPC which is registered with the L.T. Marg Police station vide C.R.No.71/2006.

2. It is alleged that the applicant had an account in the name of the firm with M/s.Greater Bombay Co-operative Bank Ltd. Bhuleshwar Branch. It is the case of the applicant that he had taken loan from the

said bank and there was dispute in respect of the repayment of the said loan. The bank, therefore, seized his office. The applicant thereafter approached the Debt Recovery Tribunal and obtained an order whereby the office was returned to him.

3. It is submitted that on 15th December, 2005, he had deposited an amount of Rs.70,000/- in cash in the current account of his firm at Dahisar Branch. It is the case of the complainant that on 16th December, 2005, they received a fax of pay-in-slip which was sent by Borivali Branch to the Bhuleshwar Branch showing that the payment of Rs.1 lakh would be credited to the account of the applicant. It is the case of the complainant that this fax was forged and fabricated. Learned Counsel for the applicant submits that he had no occasion to have a pay-in-slip for the said amount as the original is always with the bank. He submitted that in fact, a false allegation is made against him on account of the dispute which is pending between the bank and the present applicant.

4. Learned APP, on instructions, from the Investigating Officer was unable to point out as to how the applicant was responsible for sending the fax to the Bhuleshwar Branch of the said Bank. Since the source of the person who had sent the fax has not been traced, it is not possible to say that the applicant had sent the fax. Prima facie, therefore, case has been out for grant of anticipatory bail.

5. The applicant, in the event of his arrest in connection with C.R.No.71/2006 for the offence punishable under Sectins 465, 466, 467, 468, 420 read with Section 34 IPC may be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount. He shall report to the Investigating Officer as and when called.

. Application is disposed of.

(V.M. Kanade, J.)